

1. (Previously Amended) A flashlight assembly comprising:
- a housing;
 - at least one light emitting diode (LED) mounted within the housing generating an LED beam and serving as a light source for the flashlight;
 - a reflector extending from an end of the housing for focusing and dispersing the LED beam to a desired light contour; and
 - an adjustable switch coupled to a variable resistor for controlling the level of optical output.
2. (Original) The flashlight assembly according to claim 1, wherein a plurality of LEDs are arranged concentrically around a single LED thereby forming a substantially circular configuration.
3. (Original) The flashlight assembly according to claim 1, wherein the housing encloses a series of batteries operating as the power source for the flashlight.
4. (Previously Amended) The flashlight assembly according to claim 1, wherein the reflector is selectively adjustable for focusing and dispersing the LED beam as desired.
5. (Previously Amended) The flashlight assembly according to claim 1, wherein the reflector is fixed and the LED serving as the light source is selectively moveable for focusing and dispersing the LED beam as desired.
6. Previously Cancelled

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7. (Previously Amended) The flashlight assembly according to claim 1, wherein the switch is adapted to selectively turn on and off any select number of the at least one LED, thereby allowing a user to choose from several different levels of illumination.

8. (Previously Amended) The flashlight assembly according to claim 1, wherein the switch operates as a step level variable control having at least two distinct levels of illumination.

9. (Previously Amended) The flashlight assembly according to claim 1, wherein the switch operates as a rheostat having continuous variable control thereby allowing selective desired levels of illumination.

10. (Original) The flashlight assembly according to claim 1, further comprising an electronic current regulator enclosed by the housing for allowing the LED beam to remain at a constant and desired light level.

11. (Original) The flashlight assembly according to claim 1, further comprising a dynamic pulse control system.

12. (Currently Amended) A flashlight assembly comprising:
a housing;
at least ~~one~~ two light emitting ~~diode~~ diodes (~~LED~~ LEDs)
mounted within the housing generating a mechanically adjustable LED beam and serving as a light source; and
an adjustable switch coupled to a variable resistor for controlling the level of optical output wherein the switch is adapted to selectively turn on and off any select number of the at least two LEDs, thereby allowing a user to choose from several different levels of illumination.

13. (Currently Amended) A flashlight assembly according to claim 12, further comprising a reflector extending from an end of the housing for focusing and dispersing the at least ~~one~~ two LED LEDs to a desired light contour.

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cont.
14. (Previously Amended) The flashlight assembly according to claim 13, wherein the reflector is selectively adjustable for focusing and dispersing the LED beam as desired.

15. (Previously Amended) The flashlight assembly according to claim 13, wherein the reflector is fixed and the LED serving as the light source is selectively moveable for focusing and dispersing the LED beam as desired.

16. (Original) The flashlight assembly according to claim 12, wherein a plurality of LEDs are arranged concentrically around a single LED thereby forming a substantially circular configuration.

17. (Original) The flashlight assembly according to claim 12, wherein the housing encloses a series of batteries operating as the power source for the flashlight.

18. (Previously Cancelled)

19. (Cancelled)

20. (Previously Amended) The flashlight assembly according to claim 12, wherein the switch operates as a step level variable control having at least two distinct levels of illumination.

21. (Previously Amended) The flashlight assembly according to claim 12, wherein the switch operates as a rheostat having continuous variable control thereby allowing selective levels of illumination.

22. (Original) The flashlight assembly according to claim 12, further comprising an electronic current regulator enclosed by the housing for allowing the LED beam to remain at a constant and desired light level.

23. (Original) The flashlight assembly according to claim 12, further comprising a dynamic pulse control system.

THE OFFICE ACTION

The Examiner made several objections/rejections in the previous Office Action. The Examiner objected to the drawings under 37 C.F.R. §1.83(a) as allegedly not showing every feature of the invention as specified in the claims. Specifically, it was the Examiner's opinion that the drawings failed to show a mechanically adjustable LED beam mechanism as claimed.

The Examiner rejected claims 12, 16, 17 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,193,388 to Halasz et al. ("Halasz") and further in view of U.S. Patent 6,024,471 to McDermott ("McDermott"). The Examiner also rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Halasz in view of McDermott and further in view of U.S. Patent 6,250,771 to Sharrah et al. ("Sharrah"). The Examiner also rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Halasz in view of McDermott and further in view of U.S. Patent 6,095,661 to Lebens et al. ("Lebens").

REMARKS

I. Objection to the drawings

In the Office Action the Examiner objected to the drawings under 37 C.F.R. §1.83(a). The Examiner argued that the drawings must show every feature of the invention that is specified in the claims and, therefore, a mechanically adjustable LED beam mechanism must be shown or the feature canceled from the claims.

In a previous Office Action mailed July 5, 2001, the Examiner made a similar objection based on the Examiner's position that the claimed feature that the LED serving as the light source is selectively moveable for focusing and dispersing the LED beam as desired must be shown in the drawings. In a Response filed October 5, 2001, the Applicants addressed this objection and submitted that a drawing amendment was not necessary in order to understand that the light source